

ORDINANCE NO. 2018-04

AN ORDINANCE AMENDING ORDINANCE NUMBER 2007-23 OF THE TOWN OF TRINITY, ALABAMA BY ADDING PROVISIONS RELATING TO DRIVERS WHO VIOLATE IGNITION INTERLOCK DEVICE REQUIREMENTS

WHEREAS, Ordinance No. 2007-23 of the Town of Trinity, Alabama makes provisions for the impoundment of vehicles driven by certain persons without proper driver's licenses; and

WHEREAS, State law now makes provisions for such impoundment in situations where drivers are found to be in violation of ignition interlock device requirements and the Town Council desires to incorporate those provisions into the above said Ordinance.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Trinity, Alabama, as follows, to-wit:

SECTION 1. Ordinance Number 2007-23 of the Town of Trinity, Alabama is hereby amended by adding to it a new section to be entitled "Section 1A," which said Section 1A shall read, in its entirety, as follows:

"Section 1A.

a. In accordance with the requirements of Section 32-5A-191.4(k)(l), *Code of Alabama, 1975*, any person who is determined by a law enforcement officer to be in violation of the ignition interlock device requirements of §32-5A-191.4(j), *Code of Alabama, 1975*, shall be immediately removed from the vehicle and taken into custody. The vehicle shall be impounded in accordance with the provisions of Section 1 of this Ordinance, subject to the exceptions set out in said Section 1.

b. As provided in §32-6-19(b), *Code of Alabama, 1975*, if a law enforcement officer finds that a person operates a motor vehicle upon the highways of this state while his or her driver's license or driving privilege is revoked for any reason under the laws of this state or similar laws of any other state or territory, or while his or her driver's license or driving privilege is suspended as a consequence of a

DUI-related offense, including, but not limited to, being adjudicated delinquent or a youthful offender based on a DUI-related offense, or while his or her driver's license or driving privilege is suspended as a result of failure to comply with the implied consent law of this state or laws of another state, or who has been adjudicated a delinquent child or a youthful offender based on an offense that if the person had been an adult would have been a conviction of driving under the influence of a controlled substance or alcohol or failure to comply with the implied consent law, he or she shall be immediately removed from the vehicle, and the vehicle shall be impounded in accordance with Section 1 of this Ordinance, subject to the exceptions set out in said Section 1."

SECTION 2. Said Ordinance Number 2007-23 is further amended by deleting the entire language of Section 1(e) thereof and substitution of the following so that hereafter said Section 1(e) shall read, in its entirety, as follows:

"e. If a motor vehicle impounded pursuant to this section is not properly redeemed as set out herein within sixty (60) days of the date it is impounded, then the wrecker service or other property owner onto whose property the motor vehicle was lawfully towed at the written request of a law enforcement officer may advertise and sell said vehicle in accordance with §§32-13-1, *et seq.*, or 32-6-19(c), *Code of Alabama, 1975*, or other applicable state law."

SECTION 3. Except as specifically amended hereby, Ordinance Number 2007-23 shall remain in full force and effect as first written and adopted.

SECTION 4. Should any provision of this Ordinance, or any application thereof to any person, thing or circumstances, be held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the provisions or application of this ordinance which can be given effect without the invalid or unenforceable provisions or application. To that end, it is hereby declared that the provisions of this Ordinance and any amendments which may be hereafter made shall be deemed are separate, severable and independent provisions.

SECTION 5. This Ordinance shall be deemed effective June 1, 2018 following its adoption and publication according to law.

ADOPTED and APPROVED this 14 day of May,
2018.

Vaughn Goodwin
Vaughn Goodwin, Mayor

ATTEST:

(SEAL)

Barbara L. Jones
Barbara L. Jones, Town Clerk

LWM
T108
Barbara L. Jones
Notary Public, AL State at Large
My Commission Expires April 12, 2021